

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lianne May	Team: Squad #08	CCRB Case #: 202207555	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 11/06/2022 11:24 PM, Sunday, 11/06/2022 11:52 PM	Location of Incident: Outside of 122 East 116th Street; 25 Precinct Stationhouse	18 Mo. SOL 5/6/2024	Precinct: 25		
Date/Time CV Reported Mon, 11/07/2022 12:30 AM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Mon, 11/07/2022 11:49 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Maximilian Warner	00558	951421	PBMN SU PST
2. PO Michael Delia	18222	963953	PBMN SU PST
3. PO Debbie Jimenez	00522	959954	PBMN SU PST
4. PO Kristen Lopez	03108	954787	125 ST TF

Officer(s)	Allegation	Investigator Recommendation
A . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants outside of 122 East 116th Street in Manhattan	
B . PO Michael Delia	Abuse: Police Officer Michael Delia stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants outside of 122 East 116th Street in Manhattan	
C . DTS Maximilian Warner	Abuse: Detective Maximilian Warner stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants outside of 122 East 116th Street in Manhattan	
D . PO Michael Delia	Abuse: Police Officer Michael Delia questioned § 87(2)(b) outside of 122 East 116th Street in Manhattan	
E . DTS Maximilian Warner	Abuse: Detective Maximilian Warner questioned § 87(2)(b)	
F . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez questioned § 87(2)(b)	
G . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez refused to provide her name to § 87(2)(b) outside of 122 East 116th Street in Manhattan	
H . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez refused to provide her shield number to § 87(2)(b) outside of 122 East 116th Street in Manhattan	
I . DTS Maximilian Warner	Abuse: Detective Maximilian Warner refused to provide his name to § 87(2)(b) outside of 122 East 116th Street in Manhattan	
J . DTS Maximilian Warner	Abuse: Detective Maximilian Warner refused to provide his shield number to § 87(2)(b) outside of 122 East 116th Street in Manhattan	

Officer(s)	Allegation	Investigator Recommendation
K . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants outside of 122 East 116th Street in Manhattan	
L . DTS Maximilian Warner	Abuse: Detective Maximilian Warner searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants outside of 122 East 116th Street in Manhattan	
M . PO Michael Delia	Abuse: Police Officer Michael Delia searched the vehicle in which § 87(2)(b) and § 87(2)(b) were an occupants.	
N . PO Michael Delia	Discourtesy: Police Officer Michael Delia spoke discourteously to § 87(2)(b) outside of 122 East 116th Street in Manhattan	
O . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan	
P . DTS Maximilian Warner	Abuse: Detective Maximilian Warner failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan	
Q . PO Michael Delia	Abuse: Police Officer Michael Delia failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan	
R . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan	
S . DTS Maximilian Warner	Abuse: Detective Maximilian Warner failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan	
T . PO Michael Delia	Abuse: Police Officer Michael Delia failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan	
U . PO Kristen Lopez	Abuse: At the 025 PCT Stationhouse, Police Officer Kristen Lopez did not process § 87(2)(b) complaint regarding officers.	

### Case Summary

§ 87(2)(b) filed the following complaint with officers at the 23 Precinct Stationhouse on November 7, 2022. Those officers then submitted the complaint to the NYPD Internal Affairs Bureau (BR1).

§ 87(2)(b) and his friend, § 87(2)(b) were driving in § 87(2)(b) car on November 6, 2022. Detective Maximilian Warner, Police Officer Michael Delia, and Police Officer Debbie Jimenez, all of Patrol Borough Manhattan North, noticed a broken taillight and illegal tints on § 87(2)(b) car. They stopped § 87(2)(b) vehicle in front of 122 East 116th Street in Manhattan at 11:24PM (**Allegations A-C: Abuse of Authority**, § 87(2)(g)). The officers approached the vehicle and § 87(2)(b) alleged that PO Delia and then Det. Warner and PO Jimenez requested § 87(2)(b) identification (**Allegations D-F Abuse of Authority**, § 87(2)(g)). § 87(2)(b) alleged that PO Jimenez and Det. Warner did not provide their names and shield numbers when requested (**Allegations G-J: Abuse of Authority**, § 87(2)(g)). When § 87(2)(b) got out of the car, he told PO Delia that they could look for guns. PO Jimenez, Det. Warner, and PO Delia then searched the car (**Allegations K-M: Abuse of Authority**, § 87(2)(g)). PO Delia told § 87(2)(b) he was not there for “bullshit” (**Allegation N: Discourtesy**, § 87(2)(g)). None of the officers provided Right to Know Act cards to § 87(2)(b) and § 87(2)(b) (**Allegations O-T: Abuse of Authority**, § 87(2)(g)). The officers left without issuing any summonses or arrests but took § 87(2)(b) identification with them. § 87(2)(b) then drove to the 25 Precinct and alleged that Police Officer Kristen Lopez of the 25 Precinct did not file a complaint for him against the officers as he requested (**Allegation U: Abuse of Authority**, § 87(2)(g)).

The investigation received three body-worn camera videos (BR2) and stationhouse footage (BR3). § 87(2)(b) also provided video that he recorded during the incident (BR4).

### Findings and Recommendations

**Allegation A- Abuse of Authority: Police Officer Debbie Jimenez stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants outside of 122 East 116th Street in Manhattan**

**Allegation B-Abuse of Authority: Police Officer Michael Delia stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants outside of 122 East 116th Street in Manhattan**

**Allegation C-Abuse of Authority: Detective Maximilian Warner stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants outside of 122 East 116th Street in Manhattan**

**Allegation D- Abuse of Authority: Police Officer Michael Delia questioned § 87(2)(b) outside of 122 East 116th Street in Manhattan**

**Allegation E-Abuse of Authority: Detective Maximilian Warner questioned § 87(2)(b)**

**Allegation F- Abuse of Authority: Police Officer Debbie Jimenez questioned § 87(2)(b)**

**Allegation G- Abuse of Authority: Police Officer Debbie Jimenez refused to provide her name to § 87(2)(b) outside of 122 East 116th Street in Manhattan**

**Allegation H- Abuse of Authority: Police Officer Debbie Jimenez refused to provide her shield number to § 87(2)(b) outside of 122 East 116th Street in Manhattan**

**Allegation I- Abuse of Authority: Detective Maximilian Warner refused to provide his name to § 87(2)(b) outside of 122 East 116th Street in Manhattan**

**Allegation J- Abuse of Authority: Detective Maximilian Warner refused to provide his shield number to § 87(2)(b) outside of 122 East 116th Street in Manhattan**

§ 87(2)(b) explained he and his friend, § 87(2)(b) were driving in § 87(2)(b) car at about 11:24PM on November 6, 2022. As they drove on 116<sup>th</sup> Street in Manhattan, § 87(2)(b) saw officers had pulled a different car over. He continued to drive when the same officers then pulled him over in front of 122 East 116<sup>th</sup> Street in Manhattan. § 87(2)(b) was driving his blue BMW with New Jersey license plates and tints on his windows. § 87(2)(b) began to take a video as the officers approached him. PO Jimenez and PO Delia came to his door and Det. Warner went to § 87(2)(b) door. While § 87(2)(b) was sleeping, § 87(2)(b) provided § 87(2)(b) license and registration to PO Delia. § 87(2)(b) alleged that all the officers told § 87(2)(b) to wake up and asked for § 87(2)(b) identification. § 87(2)(b) alleged that he requested all the officers' names and shield numbers but only PO Delia provided his information. PO Jimenez and Det. Warner did not say anything when he requested their information. PO Jimenez seemed to be in charge for the rest of the incident (BR5).

§ 87(2)(b) missed his first interview and could not be reached in subsequent contact attempts, so the investigation never received a statement from him (BR6).

§ 87(2)(b) provided a video he recorded during the incident. The entirety of the video from 00:00-01:52 shows PO Jimenez asking § 87(2)(b) to step out of the car. § 87(2)(b) asks what he did wrong. PO Delia asks him if he has a baby because there is a baby bottle in the driver's door compartment. PO Jimenez asks if it is lean, an illegal drug. § 87(2)(b) tells them to look at the bottle and find out what it is. PO Delia takes him to the back of the car and § 87(2)(b) asks if they are looking for guns. § 87(2)(b) then tells § 87(2)(b) to get out of the car (BR4).

The BWC starts as officers approach the vehicle and all three officers have their BWC activated throughout the entirety of the car stop up until the officers return to their vehicle after the car stop is completed. It also shows that § 87(2)(b) vehicle has darkly tinted windows. However, none of the BWC shows any of the officers requesting any identification from § 87(2)(b). No BWC shows § 87(2)(b) ever requesting any officers' names or shield numbers (BR7 BR8; BR9).

PO Jimenez, PO Delia, and Det. Warner all testified that PO Jimenez was driving their unmarked car while they were assigned to public safety. As they were driving on 116<sup>th</sup> Street in Manhattan, they all noticed that § 87(2)(b) vehicle had excessive tints, and his right rear taillight was defective. There was no discussion in the car before they all made the collective decision to pull § 87(2)(b) over for those two violations only. They wanted to begin investigating the tints and taillights. PO Jimenez and PO Delia requested § 87(2)(b) identification and ran his license through the NYPD database, finding that it was suspended. PO Jimenez told § 87(2)(b) to step out because he could have been arrested, though he was never actually considered under arrest, for the tints, the taillight, or the suspended license. § 87(2)(b) did not have any warrants (BR10; BR11; BR12).

PO Delia explained that he wanted § 87(2)(b) to identify himself for their safety and so he requested his ID when they first spoke to § 87(2)(b). § 87(2)(b) refused to provide any identification. PO Delia explained that no one ever requested PO Jimenez's or Det. Warner's name or shield numbers (BR11).

PO Jimenez and Det. Warner testified that they never asked § 87(2)(b) for any identification. Neither of them heard if PO Delia requested § 87(2)(b) identification. § 87(2)(b) never requested their name or shield numbers (BR10; BR12).

Pursuant to Section 375 (12-a) of the NYS Vehicle and Traffic Law, no motor vehicle can be operated when composed of, covered by or treated with any material which has a light transmittance of less than seventy percent (BR13).

As per § 87(2)(b) testimony and BWC, the vehicle has excessive window tints in violation of VTL Section 375 (12-a). § 87(2)(g)

§ 87(2)(b) alleged that all the officers requested § 87(2)(b) identification and § 87(2)(b) then requested all of the officer's name and shield numbers, but none of them provided it. None of the video evidence, which shows the entirety of the incident, shows the officers questioning § 87(2)(b) by requesting § 87(2)(b) identification. However, PO Delia testified that he requested it. There is no other evidence that PO Delia questioned § 87(2)(b). In addition, none of the video evidence shows § 87(2)(b) requesting any names or shield numbers. The officers said that he never asked any of them for that information. Even though PO Delia said that he asked for § 87(2)(b) license, the BWC, which captures the entirety of the incident, does not show this happening. § 87(2)(g)

**Allegation K- Abuse of Authority: Police Officer Debbie Jimenez searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants outside of 122 East 116th Street in Manhattan**

**Allegation L- Abuse of Authority: Detective Maximilian Warner searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants outside of 122 East 116th Street in Manhattan**

**Allegation M- Abuse of Authority: Police Officer Michael Delia searched the vehicle in which § 87(2)(b) and § 87(2)(b) were a occupants.**

**Allegation N-Discourtesy: Police Officer Michael Delia spoke discourteously to § 87(2)(b) outside of 122 East 116th Street in Manhattan**

§ 87(2)(b) explained that PO Jimenez began to search his vehicle after he exited. In his CCRB interview (BR5) and his initial complaint filed at the 23 Precinct (BR1), § 87(2)(b) said that the officers searched the car illegally and against his will. § 87(2)(b) explained that he believed the officers attempted to search for guns in his car because there had been shootings in the area. § 87(2)(b) told § 87(2)(b) to get out the car when he thought the officers were searching for guns. The officers found nothing in the car because § 87(2)(b) had nothing illegal.

In PO Delia's BWC from 00:00-2:20 (BR8), PO Delia and PO Jimenez look up § 87(2)(b) license on PO Delia's phone. PO Delia brings § 87(2)(b) to the back of the car. At 1:00, PO Jimenez opens the door and asks § 87(2)(b) to get out of the car. PO Jimenez and PO Delia ask him about the baby bottle with possible lean in the driver's door compartment. § 87(2)(b) states, "check it and find out." PO Delia guides § 87(2)(b) to the back of the car. § 87(2)(b) states that the officers are harassing him while he is doing deliveries. PO Delia tells him to lean up against the car. PO Delia states that they can ask § 87(2)(b) to step out of the car. § 87(2)(b) agrees with him and tells PO Delia that he has the right to ask § 87(2)(b) to exit the car. When § 87(2)(b) tries to ask a question by saying, "and another thing is...why...", PO Delia cuts him off at 1:55 stating that PO Delia is "not here for bullshit." § 87(2)(b) states, "you know there are no guns in this car. You can check for it if that's what you're looking for." PO Delia states, "that's it?" and § 87(2)(b) states, "bet, 100% bro, I appreciate it." PO Jimenez looks at PO Delia and then begins searching the car. § 87(2)(b) offers to let PO Delia to search him, but PO Delia does not. At 2:15, § 87(2)(b) asks PO Delia to talk to § 87(2)(b) and tells him to get out of the car.

In PO Jimenez's BWC (BR9) from 1:23-5:43, PO Delia guides § 87(2)(b) to the back of the car and PO Jimenez stays at the driver's side. PO Jimenez shines her flashlight around the front and back

seats. Det. Warner asks § 87(2)(b) to step out of the car at 2:00. At 2:11, PO Jimenez tells § 87(2)(b) they are going to search the car. PO Jimenez searches the front seats, console, and door. Det. Warner searches the front seat. She then searches the glove compartment, back seats, and the front passenger seat.

At 1:08 in both PO Delia's BWC (BR8) and PO Jimenez's BWC (BR9), PO Jimenez and PO Delia look into the driver's door compartment and see a baby bottle while asking him if it contains "lean", an illegal drug.

PO Jimenez and PO Delia explained that when § 87(2)(b) exited the vehicle, PO Jimenez and PO Delia saw a baby bottle with blue liquid, but no other objects associated with having a baby in the car. In PO Jimenez's and PO Delia's experiences, every baby bottle with blue liquid without a baby contains "lean", an illegal drug. This is also an area prone to drugs, so they believed this was "lean". They could not investigate further because they do not carry the tools in the field to verify it was "lean". PO Jimenez wanted to search the car after having consent and probable cause to arrest based on the suspended license. PO Delia then escorted § 87(2)(b) to the back of the vehicle. PO Delia explained that he believed he obtained sufficient consent to search from § 87(2)(b) who said it was fine with him for the officers to look for guns. PO Delia was the only officer who obtained alleged consent. PO Delia then relayed it to PO Jimenez and Det. Warner with a handwave or a motion that indicated to the other officers that § 87(2)(b) gave his consent. PO Delia never informed § 87(2)(b) that the search was voluntary and would not take place if he did not consent because they all testified that once the officers established probable cause, supposedly the suspended license, to search the car, they can search with or without his consent (BR10; BR11).

PO Jimenez and Det. Warner began to search the car after PO Jimenez saw PO Delia give them the wave or hand motion. No one else heard how or if § 87(2)(b) gave consent to search. Det. Warner and PO Jimenez only knew that PO Delia had gotten consent to search, but they did not hear that conversation. Det. Warner testified that he did not know why PO Delia and PO Jimenez wanted to search; there was nothing at this point that warranted a search in his opinion. PO Jimenez began to search the front seat and console while § 87(2)(b) then told § 87(2)(b) to get out of the passenger seat. Det. Warner then searched the passenger seat and found an inoperable taser. PO Jimenez searched the back seats too but found nothing illegal (BR10; BR12).

PO Delia explained that he stated "bullshit" conversationally when he told § 87(2)(b) he was not there for "bullshit" at the back of the car. PO Delia testified that he did not mean it discourteously toward § 87(2)(b) (BR11).

According to the Right to Know Act section § 14-173 entitled "Guidance regarding consent searches," officers need to first obtain voluntary, knowing, and intelligent consent prior to the search of a person, or a person's vehicle, home, or property...when such search is not conducted pursuant to a warrant, any other exception to the warrant requirement under applicable law, or probable cause, or when such search is not incident to a lawful arrest...officers must use plain and simple language delivered in a non-threatening manner, that the person who is the subject of the search is being asked to voluntarily, knowingly, and intelligently consent to such search, and explaining that such search will not be conducted if such person refuses to provide consent to such search (BR14).

*In People v. Woods*, 189 A.D.2d 838, 838, in regard to a stop for tinted windows, the court concluded that a search of the vehicle was improper when the officers stopping the vehicle did not indicate that he observed any suspicious actions by the defendant or that he felt threatened in any way. Furthermore...the court noted that a stop for a traffic offense will not justify a search of the

motorist or of the vehicle unless there are reasonable grounds for believing the motorist guilty of a crime, as opposed to a traffic offense or if the officer, acting on reasonable suspicion that criminal activity is afoot, has an articulable basis to fear for his own safety (see, *People v Torres*, 74 NY2d 224). Even then, the officer may intrude upon the person or personal effects of the motorist only to the extent necessary to protect himself from harm (BR15).

According to NYPD Patrol Guide Procedure 200-02, The Department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect (BR16).

*People v. Belton*, 55 N.Y.2d 49 (1982) states, “Justification for an automobile search contemporaneous with a valid arrest arises... from the circumstances which validate the arrest...a valid arrest for a crime authorizes a warrantless search... when the circumstances give reason to believe that the vehicle or its visible contents may be related to the crime for which the arrest is being made (as possibly containing contraband or as having been used in the commission of the crime)...where police have validly arrested an occupant of an automobile, and they have reason to believe that the car may contain evidence related to the crime for which the occupant was arrested or that a weapon may be discovered or a means of escape thwarted, they may contemporaneously search the passenger compartment” (BR29).

As previously stated, the officers stopped § 87(2)(b) only due to the tints on his windows before learning his license was suspended. The officers conducted a warrantless search the car, testifying that § 87(2)(b) consented to PO Delia’s request to search the car. BWC shows § 87(2)(b) telling the officers that they can look at the car or search for guns § 87(2)(g)

Based on the Right to Know Act, PO Delia needed to have obtained voluntary consent while telling § 87(2)(b) that he could refuse a search before relaying the alleged consent to the other officers. Additionally, the officers’ statements and the BWC show that § 87(2)(b) did not act suspicious or threaten the officers in any way, and the search of the vehicle was not incident to lawful arrest. § 87(2)(g)

§ 87(2)(g)

While § 87(2)(b) and PO Delia were talking at the back of the car, PO Delia told § 87(2)(b) that he was not there for the “bullshit.” The situation was not tense or chaotic. PO Delia explained that he did not use it to be discourteous to § 87(2)(b) § 87(2)(g)

**Allegation O-Abuse of Authority: Police Officer Debbie Jimenez failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan**



**Allegation P-Abuse of Authority: Detective Maximilian Warner failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan**

**Allegation Q-Abuse of Authority: Police Officer Michael Delia failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan**

**Allegation R-Abuse of Authority: Police Officer Debbie Jimenez failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan**

**Allegation S-Abuse of Authority: Detective Maximilian Warner failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan**

**Allegation T-Abuse of Authority: Police Officer Michael Delia failed to provide § 87(2)(b) with a business card outside of 122 East 116th Street in Manhattan**

§ 87(2)(b) testified that no one arrested him or issued him any summonses. The officers told him and § 87(2)(b) to get back into his car and the officers left (BR5).

All of the officers used their discretion to not issue any summonses or arrests to § 87(2)(b) or § 87(2)(b). PO Jimenez explained that officers only need to provide business cards when requested and because no one ever requested business cards during the incident, she never provided it. PO Delia also explained that he did not provide his business card because § 87(2)(b) and § 87(2)(b) never asked. Det. Warner corroborated that no one ever requested business cards and also testified that they do not need to provide business cards at car stops (BR10; BR11; BR12).

No BWC (BR7; BR8; BR9) shows officers offering business cards. BWC shows the interaction ending when officers leave § 87(2)(b) vehicle without issuing any summonses or arresting anyone. PO Jimenez keeps § 87(2)(b) license.

According to NYC Administrative Code 14-174, after questioning and searches of persons or property, including vehicles, officers must offer a business card to such person at the conclusion of any such activity that does not result in an arrest or summons (BR17).

No officers ever offered or provided a business card. The officers said that they did not do this because they did not know they had to offer the business cards and they only provide them upon civilian request. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation U- Abuse of Authority: At the 25 PCT Stationhouse, Police Officer Kristen Lopez did not process § 87(2)(b) complaint regarding officers.**

§ 87(2)(b) explained that the officers had driven off with his license and he wanted it back. § 87(2)(b) then began to drive around to search for other officers to help find his license and identify the subject officers. When he found other officers on the street, the officers directed him to the 25 Precinct stationhouse. § 87(2)(b) went to the 25 Precinct stationhouse alone at 11:52PM. There, he asked PO Lopez to help him identify and file a complaint against the officers. PO Lopez told him that she could not help him or identify the officers. PO Lopez never helped § 87(2)(b) file a complaint, provided him with any forms or numbers to call, or interviewed him (BR5).

In the 25 Precinct stationhouse footage from 32:20 (BR18), § 87(2)(b) enters and talks with PO Lopez behind a glass wall. She then comes out from behind the wall and he shows her something on his phone. He then leaves at 34:30.



PO Lopez (BR19) testified that she was the telephone switchboard operator when § 87(2)(b) arrived at the 25 Precinct stationhouse. He asked her through the front glass wall for help finding his license after unknown officers stopped him. PO Lopez came from behind the glass to talk with him. § 87(2)(b) did not give her any details on the stop and said the officers took his license and drove away in an unmarked car. PO Lopez could not look up the car number and knew it was not the 25 Precinct Public Safety officers as they were in roll call when § 87(2)(b) was talking to her. PO Lopez did not remember what he showed her on his phone, but he said he did not know the officers or the license plate. § 87(2)(b) never requested to file a complaint with her or stated anything like wanting to make a complaint against the officers. § 87(2)(b) left the stationhouse and did not say where he was going next after PO Lopez said she was unable to identify the officers.

§ 87(2)(b) alleged that she requested PO Lopez to help him identify the officers and file a complaint against them and that she did not do either. However, PO Lopez only testified that he wanted her to identify the officers and not file a complaint against them. Stationhouse footage shows them conversing but did not record audio, so the conversation cannot be heard. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR20).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR21).
- Police Officer Kristen Lopez has been a member of service for 9 years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
- Detective Maximilian Warner has been a member of service for 11 and has been a subject in 5 CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Michael Delia has been a member of service for 5 and has been a subject in 5 CCRB complaints and 18 allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Debbie Jimenez has been a member of service for 7 years and has been a subject in 3 CCRB complaints and 13 allegations, of which four were substantiated. § 87(2)(g)
  - 202103268 involved substantiated allegations of failure to provide an RTKA card and name, frisk, and a stop against PO Jimenez. The Board recommended Command Discipline A and the NYPD imposed charges.

#### **Mediation, Civil, and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
  - As of December 23, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR26).
  - [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)

Squad: 7

Investigator:	<u>Lianne May</u>	<u>Investigator Lianne May</u>	<u>January 10, 2024</u>
	Signature	Print Title & Name	Date

		<u>Manager Vanessa Rosen</u>	
Squad Leader:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date